

Deepak Moorjani

Morgan Stanley Japan Limited

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"Kohlenberg, Kerstin" <Kerstin.Kohlenber@zeit.de> 
To: DEEPAK .
AW: Links to Articles

May 13, 2009 2:03 PM

Hi Deepak,

oh yes, I read them and after that went to your script-page and read everything that is there.

What you discovered at Deutsche Bank in regards to almost 100percent loans and the connection to bonuses is exactly what apparently happened at Hypo Real Estate (only that they offered 160 percent commercial real estate loans which in German is actually against the law. I am researching that story right now) so I am a little familiar with the topic. I just did a story about Merkel and her advisers and how badly their bank-overview functions. (<http://www.zeit.de/2009/15/DOS-Kanzleramt>)

I believe what you discovered in a heartbeat. I think your demands for better risk management and a different incentive structure need more audience - and connected with that very case that you are presenting, it would make a big, big story. I write 8000 word features (kind of like a New York times Magazine Story) and I would very much write about you and the case you are making. There are a lot of people out there that demand change, but there is you who can show how rotten the system still is, and how the managers say one thing to the media and something else to people like you.

The fact that your letter was ccd to Angela Merkel makes it even more interesting, because I could confront her with it, and ask about her real interests in changing the system (like she said on the G20 summit)

So any clue when you will be back in New York?

Kerstin

-----Ursprüngliche Nachricht-----
Von: DEEPAK MOORJANI
Gesendet: Mi 13.05.2009 18:50
An: Kohlenberg, Kerstin
Betreff: Links to Articles

Hi Kerstin,

Have you read these articles? If so, I'd welcome your thoughts.

A.

B.

Deepak

On May 14, 2009, at 12:57 AM, Kohlenberg wrote:

Deepak,

That's really unfortunate. When so you come back to the States?

Kerstin

Am 13.05.2009 17:51 Uhr schrieb "DEEPAK MOORJANI" unter

Hi Kerstin,

Unfortunately, I am stuck in Asia. Hearings are discontinuous, and I'm not sure when the next hearing will be. The April hearing was public, but most are closed hearings (including this Friday's hearing).

I'll recommend that we "meet" via videoconference. It's the next-best alternative and better than a phone call. Maybe even this weekend.

Thanks,
Deepak

On May 14, 2009, at 12:10 AM, Kohlenberg wrote:

Hi Deepak,

Thanks again. Just two quick questions in order to plan my trip next

Chairman

JUN MAKIHARA

Neoteny Co., Ltd.

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(2nd office)

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乙第四三号証
一

② Deepak Moorjani
02/08/2007 03:09 PM

To: Michael Cohrs/DMGIB/DMG UK/DeuBa@DBEMEA
cc:
Subject: Via Jun

Hi Michael,

Yes, I was. Bonus day turned into a bigger distraction than imagined. Apologies for the delay.

I've convinced the sponsor of a large JREIT to go private in an MBO transaction. It's fairly large transaction (\$1.7-1.8 billion), and if necessary, I would like to get your advice if we hit any major hiccups. Currently, we do not have any major issues, but I wanted to introduce myself well in advance in the event that I need some advice.

Thank you.

Deepak Moorjani
Deutsche Securities Inc.

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Michael Cohrs/DMGIB/DMG UK/DeuBa@DBEMEA

①

Michael Cohrs/DMGIB/DMG
UK/DeuBa@DBEMEA
02/05/2007 10:54 PM

To: Deepak Moorjani/db/dbcom@DBAPAC
cc:
Subject:

I think you were trying to reach me--how can I help?



訴 状

平成 20 (2008) 年 6 月 6 日

東京地方裁判所民事部 御中

原告訴訟代理人

弁護士 武 藤 司 郎

弁護士 浅 井 隆

弁護士 矢 田 部 菜 穂 子

当事者 別紙当事者目録記載のとおり

不当利得返還請求事件

訴訟物の価額 金 91 万 2000 円

貼用印紙額 金 1 万 000 円

請求の趣旨

- 被告は、原告に対し、金 91 万 2000 円及びこれに対する本訴状送達の日の翌日から支払済みまで年 5 分の割合による金員を支払え。
- 訴訟費用は被告の負担とする。
との判決ならびに第 1 項につき仮執行宣言を求める。

請求の原因

第 1 当事者

- 原告は、住所地において、証券業その他の業務に係る営業を行う株式会社である。
- 原告は、2006 (平成 18) 年 9 月 5 日、被告を雇用したが、2007 (平成 19) 年 9 月 5 日に解雇した。

第2 借上げ住宅の提供及び解雇による賃貸借契約解約

- 原告は、被告の雇用にあたり、原告が被告の住居家賃のほとんど（93.5%）を負担するプログラムを提供することとし、被告住所地所在の住居（以下「本件借上げ住宅」という）を株式会社MAKKS（以下「貸主」という）から賃借して、被告に居住させた（甲1。以下、貸主と原告との間の賃貸借契約を「本件賃貸借契約」という）。
- 原告は、上記のように2007（平成19）年9月5日に被告を解雇したが、その際、解雇から1か月をもって本件賃貸借契約を解除するので、それまでに必要な対応をするよう通知した。ここで「必要な対応」とは、被告が本件借上げ住宅を退去するか、または、貸主との間で賃貸借契約を別途締結することを意味する。
- 原告は、本件賃貸借契約の解約条項（甲1「賃貸借条件(10)期間内解約」の欄）に従い、2007（平成19）年9月11日、貸主に対し、同年10月10日をもって本件賃貸借契約を解約する旨通知した（甲2）。

第3 被告の不法占有及び原告の賃料相当損害金支払い

- 被告が、上記解雇（2007（平成19）年9月5日）から本件賃貸借契約の解約日（2007（平成19）年10月10日）までの間に、自ら貸主との間で賃貸借契約を別途締結する意向を示したため、貸主の当時の管理会社が本件賃貸借契約の名義変更手続を進めようとした。具体的には、被告が新たに敷金を差入れ、契約当事者変更に伴う賃料を日割り計算する等である。
- ところが、被告は、その後態度を翻して名義変更手続に応じず、賃料も支払わずに、本件借上げ住宅の占有を継続した（現在も同様である）。この間、貸主の当時の管理会社、貸主自身、及び原告が会社借上げ住宅関連業務を委託している不動産業者の東急リロケーション株式会社（以下「東急」という）が、

それぞれ被告に対し名義変更を働きかけたが（電話、メール、手紙等）、被告は一切応じようとしなかった。このため、貸主は、借主を被告に名義変更する意思を喪失した。

3. 上記のような経緯で、2008（平成20）年1月、貸主が、東急を通じ、旧賃借人である原告に対し、被告の上記不法占有へ対応するよう求めてきた。（以上、甲3）

4. やむなく原告は、2008（平成20）年2月13日、91万2000円（月額賃料22万8000円の4か月分相当額）を、東急を通じ、貸主に支払った（甲4）。なお、甲第4号証は、東急が原告のために立替払いをする社内手続き上、摘要として2007（平成18）年11月分から2008（平成20）年2月の賃料名目で処理しているが、これは東急社内で賃料相当損害金として社内処理する方法がないため便宜的に名目を用いたものであって、本件賃貸借契約は上記のように解約済みであり、この支払は被告の不法占有により生じた貸主の損害を賠償するものである。

また、本件賃貸借契約では、契約終了までに明け渡さないときは終了の翌日から明渡完了に至るまでの賃料の倍額に相当する損害金を貸主に支払うこととされているが（甲1、第18条4項）、貸主との交渉により、早急に対応することを条件に、倍額ではなく賃料と同額の損害金で了解を得たものである。

5. 原告の貸主に対する上記91万2000円の支払により、被告は貸主に対する同額の損害賠償債務の履行を免れた。

第4　まとめ

よって、原告は、被告に対し、不当利得返還請求権に基づき、利得金91万2000円及びこれに対する履行の請求の日の翌日である本訴状送達の日の翌日から支払済みまで民法所定の年5分の割合による利息の支払いを求める。

以上

証 拠 方 法

甲第 1 号証	住宅賃貸借契約書
甲第 2 号証	解約依頼書
甲第 3 号証	電子メール
甲第 4 号証	振込依頼明細書（立替）

附 屬 書 類

1 訴状副本	1 通
2 甲号証写し	各 1 通
3 訴訟委任状	1 通
4 資格証明	1 通

当事者目録

〒100-6171 東京都千代田区永田町二丁目11番1号 山王パークタワー

原 告 ドイツ証券株式会社

上記代表者代表取締役 ディビッド・ハット

〒100-6171 東京都千代田区永田町2丁目11番1号 山王パークタワー

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原告訴訟代理人弁護士 武 藤 司 郎

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原告訴訟代理人弁護士 浅 井 隆

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神田セントラルプラザ1302

アップル法律事務所

TEL 03(3258)1585

FAX 03(5501)9691

原告訴訟代理人弁護士 矢田部 菜穂子

〒107-0052 東京都港区赤坂六丁目10番9号 氷川坂ホームズ201号室

被 告 ディーパック・モージャニー

振込依頼明細書(立替)(正)
トイチエSC/Loc

伝票番号 2340080208001
ページ 1 / 1

担当者: 蝦名 直範
処理日: 2008/02/08 17:51:59
支払日: 2008/02/13

社員氏名	物件名	立替項目名	立替摘要	振込依頼額	銀行名	支店名	区分	口座番号	口座名義
Moorjani, Deepak	氷川坂ホームズ #201	2007年11月賃料	2007年11月賃料	228,000 ミツビシUFJシンタク	ポンテン		普通	3995834	カ)マツクス
Moorjani, Deepak	氷川坂ホームズ #201	2007年12月賃料	2007年12月賃料	228,000 ミツビシUFJシンタク	ポンテン		普通	3995834	カ)マツクス
Moorjani, Deepak	氷川坂ホームズ #201	2008年1月賃料	2008年1月賃料	228,000 ミツビシUFJシンタク	ポンテン		普通	3995834	カ)マツクス
Moorjani, Deepak	氷川坂ホームズ #201	2008年2月賃料	2008年2月賃料	228,000 ミツビシUFJシンタク	ポンテン		普通	3995834	カ)マツクス
小計	件数	4		912,000					
合計	件数	4		912,000					



Richard H. Walker Elected to MBIA's Board of Directors

ARMONK, N.Y.--(BUSINESS WIRE)--Sept. 14, 2006--MBIA Inc. (NYSE: MBI) announced today that Richard H. Walker was elected to MBIA's Board of Directors. Mr. Walker is the general counsel of Deutsche Bank, where he oversees the Legal and Compliance departments worldwide.

Before joining Deutsche Bank in 2001, Mr. Walker was director of the Division of Enforcement for the Securities and Exchange Commission (SEC). Preceding his appointment to that position, he served as general counsel and northeast regional director since joining the SEC in 1991. Prior to the SEC, Mr. Walker spent 15 years in the New York office of Cadwalader, Wickersham & Taft, where he was a litigation partner specializing in corporate, securities and commercial litigation.

MBIA Board Member and Nominating/Corporate Governance Committee Chair Claire Gaudiani said, "Richard's impressive legal, compliance and financial expertise will add important depth to our Board. We are delighted to have him join us, and are confident that the experience he's gained throughout his remarkable career will provide an invaluable asset as we guide MBIA's continued growth in the global financial guarantee marketplace."

While at the SEC, Mr. Walker was awarded the Presidential Rank Distinguished Service Award in 1997--the highest federal award for government service. He also received the SEC's Distinguished Service Award, and the Chairman's Award for Excellence.

Mr. Walker is a member of the New York Stock Exchange Legal Advisory Committee, and is a trustee of the Securities and Exchange Commission Historical Society and the American Folk Art Museum. A Phi Beta Kappa graduate of Trinity College, Mr. Walker received his J.D. degree, cum laude, from Temple Law School.

MBIA Inc., through its subsidiaries, is a leading financial guarantor and provider of specialized financial services. MBIA's innovative and cost-effective products and services meet the credit enhancement, financial and investment needs of its public and private sector clients, domestically and internationally. MBIA Inc.'s principal operating subsidiary, MBIA Insurance Corporation, has a financial strength rating of Triple-A from Moody's Investors Service, Standard & Poor's Ratings Services, Fitch Ratings, and Rating and Investment Information, Inc. Please visit MBIA's Web site at www.mbia.com.

CONTACT: MBIA Inc.
Liz James, 914-765 3889

SOURCE: MBIA Inc.

Mark Grolman

Managing Director

General Counsel, Australasia & Japan

Deutsche Bank AG - Australia & New Zealand

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mark.grolman@db.com

Deutsche Bank



(2) Daiki Kajino/db/dbcom
2007/05/09 19:19

To Tomohiko Kimura/Tokyo/DBJapan/DeuBa@DBAPAC
cc
bcc
Subject Fw: Staff - Privileged & Confidential

Kimura-san

As we discussed in this morning, I explained the current situation to Murakami-san in HR.
After that, I arranged conference call with Sunil Madan and it is already fixed on tomorrow at 17:00 (Tokyo Time).

Murakami-san and I will have a conference call with him and ask him about our concerns.
If you need to join it, please let me know.

As to investigation of Frank's e-mail for Pipeline issue, I will start it as soon as I obtain Mitch's approval.

Regards,

☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆
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☆☆☆☆☆☆☆☆☆☆☆☆☆☆☆

----- Forwarded by Daiki Kajino/db/dbcom on 2007/05/09 19:13 -----

(1) Mark
Grolman/Sydney/DBAustralia
/DeuBa@DBAPAC
2007/05/09 19:09

To "Dick Walker" <richard.h.walker@db.com>,
janice.reznick@db.com, rachel.blanshard@db.com,
jiana.leung@db.com, "Kiyoshi Murakami"
<kiyoshi.murakami@db.com>, "Andrew Hume"
<andrew.hume@db.com>, "Daiki Kajino" <daiki.kajino@db.com>,
"Mr. Tomohiko (Tom) Kimura" <tomohiko.kimura@db.com>

cc

Subject Staff - Privileged & Confidential

PRIVILEGED & CONFIDENTIAL

Below are draft notes of the interview I had with Frank Forelle yesterday.

NEXT STEPS

I suggest for your consideration that the next steps should be:

(a) we interview Sunil Madan. Tom Kimura has agreed to do that by telephone as soon as possible this week;

(b) when Deepak Moorjani returns to Tokyo from the US next week, we press him again to produce all evidence he has of any alleged violations or wrongdoing. In the two weeks since he was interviewed he has not produced any evidence;

(c) agree a letter to Mr Moorjani in response to his letter. I suggest that this letter be signed by David Hatt as President and CEO of DSI (the employer of Mr Moorjani). David Hatt has been briefed on this matter. I will draft the response letter for your review. Once agreed, that letter should be delivered to Mr Moorjani.

I also propose giving the draft notes of meeting to Frank Forelle to check for accuracy.

Deutsche Bank

Richard H. Walker
General Counsel

Deutsche Bank AG
Legal Department
60 Wall Street, MS NYC60-3601
New York, NY 10005
Tel 212-250-8200
Fax 212-797-4569
richard.h.walker@db.com

January 29, 2008

Mr. Gary C. Dunton
Chief Executive Officer and President
MBIA Inc.
113 King Street
Armonk, NY 10504

Dear Gary:

I have concluded that I should resign from MBIA's Board. I do so with great regret and only after very careful consideration of the interests of both MBIA and Deutsche Bank.

When I joined MBIA's Board in 2006, existing business relationships between MBIA and Deutsche Bank provided no basis to believe that I would be unable to give both institutions my full attention and undivided loyalty. Given the events of the past week, however, I am now in a position where I can no longer be confident that continuing to act on behalf of both institutions will not lead to the possibility of an appearance that I may have reason to favor one over the other on a matter of great importance to both. In these circumstances, my ability to continue to act on behalf of either institution may be constrained. Given the importance of restoring credibility in the marketplace, I would not want my role to become a distraction to ongoing efforts to achieve this goal.

I am proud to have been associated with MBIA, and I would have liked to continue serving on MBIA's Board. I leave the Board with great affection for all my fellow directors and with appreciation for their wisdom and dedication. I would also be remiss if I did not applaud the exceptional MBIA staff. I am confident that this top-flight staff, with the Board's support, will guide MBIA to future successes.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard H. Walker", is written over a horizontal line. The signature is fluid and cursive.

Richard H. Walker

cc: Members of the Board of Directors